The Planning Inspectorate

Meeting note

File reference	EN010129
Status	**Final**
Author	The Planning Inspectorate
Date	14 June 2021
Meeting with	SSE Thermal and Copenhagen Infrastructure Partners (CIP)
Venue	Microsoft Teams Meeting
Meeting objectives	Inception meeting
Circulation	All Attendees

Summary of key points discussed and advice given:

Introduction

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely. The Inspectorate introduced changes to the case team.

Project Overview

The Applicant provided an overview of the Slough Trading Estate location for the Slough Multifuel Project, including the history of the Slough Heat and Power Limited site which had historically been allocated and used for energy and heat generation. A s36 Electricity Act 1989 consent was obtained by Slough Heat and Power Ltd in 2000 for a CHP Energy Recovery plant along with an associated waste fuel plant. In 2007 Slough Heat and Power Ltd was acquired by SSE. The Trading Estate is covered by a Simplified Planning Zone, which excludes the Slough Heat and Power site.

A planning application was submitted by SSE in 2014 for the consented Slough Multifuel scheme, with planning permission being granted in 2017. The planning permission was varied in 2020 to accommodate some changes to the originally consented scheme. The varied planning permission, which has been implemented, was for a multifuel plant of up to 50MWe gross output, fueled by Refuse Derived Fuel (RDF), which would also supply steam to the Trading Estate heat network. The RDF would be pre-shredded and processed off site. The electricity generated would be exported via an existing substation within the site boundary. One of the existing cooling towers would be used by the multifuel plant. The other cooling tower would

continue to be used by Slough Heat and Power in connection with its operational steam turbine. Pre-commencement conditions were discharged by Q3 2020.

Demolition and enabling works were completed in 2020 following the re-routing of 88 high voltage (HV) cables through cable tunnels. Construction began in March 2021. Separate planning permissions were obtained for two off-site contractor compounds and a contractor car park. An additional contractor compound in West Berkshire was expected to receive planning permission in Q3 2021.

RDF would be pre-processed off site with arbitrage between the commercial and industrial waste and local authority (LA) contracts. RDF supplies could be increased to balance increased LA recycling. Two long term contracts were in place and a third medium term contract with an East London based supplier. All RDF would be tested at source to ensure it meets relevant standards, then delivered in walking floor heavy goods vehicles to maximise payloads. The pre-processing supports recycling through "at source" segregation.

Under the current planning permission, delivery was 24/7 using specified routes and times. The Applicant estimated commercial viability for the London/South East and areas within an approximate 90-minute catchment. A local bottom ash re-processor service had been established.

The Applicant explained the consented site layout. The multifuel plant would operate autonomously, using a one-way system around existing and additional facilities on site. The height and massing of the multifuel plant would not change as a result of the proposed project changes. There would be no change in the access points used or vehicle numbers/delivery movements. Facilities would include a tipping hall, boiler house, flue gas treatment plant with chimney, bottom ash bunker and two flue gas treatment residue silos. Slough Heat and Power Ltd would be the water utility supplier for the site, using its own existing boreholes and reservoirs.

The indicative construction programme was:

- Q1 2021 – main site set up
- March 2021 – start of construction
- Q3 2021 – slipform of RDF bunker (3 week continuous concrete pour)
- Q2 2022 – steelworks visible above ground
- Q4 2022 – turbine and reactor delivery and installation
- Q3 2023 – external building envelope complete
- Q1 2024 – first steam blows as part of commissioning work
- Q2 2024 – first RDF delivery to site
- Q4 2024 – fully operational

Proposed Project Changes

The Applicant was proposing to increase the electrical efficiency and gross generation capacity of the multifuel plant from just under 50MWe to approximately 60MWe. A possible increase in the throughput of RDF (approximately 9% - up to 525,000 tonnes per annum) was also being considered. The Applicant explained that due to waste pre-processing, which reduces breakdowns and unplanned stoppages/outages, plant operation was expected to be more continuous. The Applicant estimated that, based on experience at Ferrybridge Multifuel 1 & 2, the 9% increase equated to an increase from 8000 to 8760 hours operation per annum. There were no anticipated changes to

the electricity/steam export/supply. The site would be controlled in joint partnership between SSE Thermal and CIP. Permissions and agreements for offsite compounds/parking are in place for all but one compound, which was currently going through planning. Construction would be advanced at the point of DCO application submission and largely completed at the point of DCO approval. The changes were anticipated to be confined to internal process plant efficiency related changes, with no changes to the external plant design or building envelope planned. Increased air emissions through increased RDF through-put were expected. The Applicant did not anticipate any material change in effects from the consented scheme, due to mitigation through achievement of tighter air quality limits. The s106 agreement for the consent scheme sets vehicle numbers and delivery movements on an annual basis. There would be no need to increase these.

The Applicant stated that its preferred approach to the DCO application would be to apply for an extension to the consented multifuel plant scheme to allow for the increase in generation capacity by increasing the nameplate capacity of the turbine. The preferred approach would include the Environmental Impact Assessment (EIA) being confined to assessing the proposed changes to the multifuel plant, that is, not assessing the construction of the consent scheme, which was already underway. The Inspectorate advised the Applicant to take its own legal advice on this proposed approach to the application and referred to the example of the Wheelabrator Kemsley 3 project.

EIA and key issues

The Applicant indicated that it intended to seek an EIA scoping opinion and will prepare an Environmental Statement (ES) for submission as part of the DCO application.

If the EIA was required to cover construction, the Applicant suggested that the baseline scenario could be based on Q1 2022 (i.e. the existing site conditions at the time of statutory consultation), prior to the installation of steel frames. Assessments would be updated to reflect any relevant policy/guidance. The Applicant gave a brief overview of EIA topics it expected to update to reflect the baseline but did not expect the conclusions of the original ES to materially change in terms of matters such as noise, landscape and transport. Improved dispersion for air quality was expected. Changes in estimated greenhouse gas emissions and regulatory accepted methodologies would be taken into account. An updated Fuel Availability and Waste Hierarchy Assessment would be produced alongside the EIA. The Applicant confirmed that HGV numbers would not increase, although the average payload of vehicles may increase if an increase in RDF throughput is included as part of the DCO application. The Applicant noted that emissions standards have tightened in recent Best Available Technique (BAT) Reference Documents BREF.

The Inspectorate clarified that since the previous EIA scoping was under the 2011 regulations, it would not benefit from transitional provisions. The Applicant would need to provide an updated ES compliant with the 2017 regulations. For the Wheelabrator Kemsley 3 project the Inspectorate asked for the ES with updates of changes from the original position. The Inspectorate highlighted that Kemsley 3 was applied for as an entire scheme, noting it was at an earlier stage in development than Slough Multifuel would be. Permission had been made for a maximum operational capacity so that efficiencies could increase. The nuances of the baseline ES assessment would need to be explored. The Inspectorate clarified that "works" were needed for a DCO application, which was why construction would need to be included.

The Applicant queried whether modifications within the building envelope which would be required would constitute works and the extent of activity needed to fall within this definition.

The Inspectorate queried whether legal advice had been sought regarding the s15 PA2008 definition of an extension of a generating station. The Applicant confirmed this had not yet been sought. The Inspectorate raised the need to establish how the proposed changes fit within the NSIP legal definition to ensure the application was legally sound. It advised the Applicant to review the relevant s51 advice for the Wheelabrator Kemsley 3 project. In that case the Department for Business, Energy & Industrial Strategy (BEIS) advised that the applicant should discuss the conditions attached to the planning permission with the relevant local authority to avoid duplication in any DCO.

The Applicant would consider the works needed for the delivery of the additional capacity. It also questioned the meaningfulness of consultation considering the stage of construction work. It advised that a full EIA may re-open issues that had been addressed in some detail in the consultation for the previous planning process. The example was given that the Applicant would not be able to incorporate comments on construction phasing, activities, or the external design, given this phase would be underway during statutory consultation.

The Applicant was aware the South Humber Bank Energy Centre project involved review of construction effects alongside planning conditions. This would need to be factored into DCO drafting. It hypothetically questioned whether a delay until construction was completed, and commissioning had begun would mitigate the need to consider construction effects. The Inspectorate confirmed it would consider this. The Inspectorate advised the legal definition of an extension in this context would need to be established, as well as the actual works being applied for in the DCO. It advised the s51 advice for Kemsley 3 should be reviewed, where it made reference to the absence of works. It could also escalate specific questions as appropriate to BEIS.

DCO application timeline

The proposed DCO application timeline was currently:

- Q2 – Q3 2021: Develop and agree consultation strategy
- Mid Q3 2021: Prepare and submit EIA scoping opinion request
- Late Q3 2021: Stage 1 non-statutory consultation
- Q4 2021: Consultation on draft Statement of Community Consultation (SoCC)
- Q1 2022: Stage 2 statutory consultation (PEIR also to be available)
- Early Q3 2022: DCO application submission

Summary of actions/follow-up

The following actions were agreed:

- The Applicant would contact the Inspectorate to arrange the next meeting when required.
- The Applicant was to seek legal advice in relation to what constitutes an extension under the Planning Act 2008.